REMARKS

In an Office Action dated September 7, 2007, the Examiner has rejected Claims 4, 7-8, 17, 21, 30, 37 and 43-46 under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has also rejected Claims 1-40, 48-61 under 35 USC §103(a) as being upatentable over Applicant's Admitted Prior Art ("AAPA"). Further, the Examiner has rejected Claims 41-47 under 35 USC §103(a) as being unpatentable over US Patent Application No. 7,111,303 issued to Macchiano et al, ("Macchiano"). Applicant traverses the rejections.

In this response, Applicant has canceled Claim 30 and has amended Claims 1, 4, 7, 8, 17, 21, 27, 37, 41, 43-50. Applicant requests reconsideration of remaining Claims 1-29 and 30-61 in view of the amendments to the claims and arguments as set forth in detail in the following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 101

Claims 1-10, 21-30 and 41-54 were rejection under 35 USC §101 as directed to non-statutory subject matter. Applicant traverses the rejection. Nevertheless, in order to advance the prosecution of this matter, Applicant has canceled Claim 30 and amended Claims 4, 7-8, 21 and 43-46 to more particularly point out and clarify the subject matter that Applicant regards as the invention. Applicant submits that the subject matter of the claims as currently amended falls squarely within the statutory subject matter as set forth in 35 USC §101. Applicant therefore respectfully requests that the Examiner withdraw the rejection of Claims 1-10, 21-30 and 41-54 under 35 USC §101.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claims 4, 7-8, 17, 21, 30, 37 and 43-46 are rejected under 35 USC §112 as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which Applicant regards as the invention. Applicant traverses the rejections.

Nevertheless, in order to advance the prosecution of this matter, Applicant has canceled

Claim 30 and amended Claims 4, 7-8, 17, 21, 37 and 43-46 to more particularly point out

and clarify the subject matter that Applicant regards as the invention. Applicant

respectfully requests that the Examiner withdraw the rejection of Claims 4, 7-8, 17, 21,

30, 37 and 43-46 under 35 USC §112.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1-40 and 48-61 are rejected under 35 USC §103(a) as being unpatentable

over passages referenced in the above-captioned application as Applicants Admitted Prior

Art (AAPA). Applicant traverses the rejections. Nothing in FIG. 1 and the background

information appearing in pages 1-4 of the application discloses the claimed subject

matter. Claim 1, as currently amended, recites as follows:

> 1.   A method comprising:
>
>   detecting that a first virtual machine is attempting to transmit data
> to a second virtual machine;
>
>   mapping a transmitting memory element of the first virtual
> machine to a ***shared physical memory element***;
>
>   mapping a receiving memory element of the second virtual
> machine to the ***shared physical memory element***;

Application No. 10/722,841
Examiner: Eric Charles Wai

Atty. Docket No. 42P18131
TC/A.U.:2195

placing data from the first virtual machine into the ***shared physical memory element*** via the transmitting memory element; and

receiving the placed data from the ***shared physical memory element*** into the second virtual machine via the receiving memory element.

Among other things, nothing in the passages the Examiner refers to as AAPA disclose a shared physical memory element. If anything, FIG. 1 clearly illustrates two separate physical memory elements 181 and 182, each corresponding to a different virtual machine. The examiner's assertion that the AAPA discloses mapping a transmitting memory element of the first virtual machine to a shared physical memory element, and mapping a receiving memory element of the second virtual machine to the shared physical memory element is, therefore, not supportable. Accordingly, Applicant requests that the Examiner withdraw the rejection of independent Claim1.

Independent Claims 11, 21, 31, 48 and 55 recite limitations analogous to the limitations recited in Claim 1. Therefore, Applicant requests that the Examiner withdraw the rejection of independent Claims 11, 21, 31, 48 and 55 for the same reasons as Claim 1.

Applicant further submits that dependent Claims 2-10, 12-20, 22-29, 32-40, 49-54, and 56-61 are allowable, at least in part, because they depend from allowable independent Claims 1, 11, 21, 31, 48 and 55, and because of their additional limitations. Therefore, Applicant requests that the Examiner withdraw the rejection of dependent Claims 2-10, 12-20, 22-29, 32-40, 49-54 and 56-61.

Application No. 10/722,841
Examiner: Eric Charles Wai

Atty. Docket No. 42P18131
TC/A.U.:2195

Claims 41-47 are rejected under 35 USC §103(a) as being unpatentable over US

Patent Application No. 7,111,303 issued to Macchiano et al. ("Macchiano"). Claim 41,

as currently amended, recites as follows:

> 41. A method of communicating between two virtual machines
> utilizing a virtual machine manager comprising:
>
> detecting that a first virtual machine, having a first virtual network
> interface, is attempting to transmit data to a second virtual machine,
> having a second virtual network interface, via the virtual network
> interfaces;
>
> mapping a transmitting memory element of the first virtual
> network interface to a ***direct memory access buffer***;
>
> mapping a receiving memory element of the second virtual
> network interface to the ***direct memory access buffer***;
>
> placing data from the first virtual machine into the ***direct memory
> access buffer*** via the transmitting memory element of the first virtual
> network interface; and
>
> receiving the placed data from the ***direct memory access buffer***
> into the second virtual machine via the receiving memory element of the
> second virtual network interface.

Macchiano discloses a virtual machine operating system LAN. The Examiner

equates the virtual local area network (virtual LAN) disclosed in Macchiano with the

direct memory access buffer recited in Claim 41, arguing that "the virtual LAN is

equivalent to a direct memory access buffer in that it acts as a medium to allow the

sending and retrieval of transmitted data." (Office Action, Page 15, Para. 56). Applicants

disagree. As is known in the art, and as used in Macchiano, a virtual LAN comprises

multiple devices residing on different physical LANs that are logically configured to

Application No. 10/722,841
Examiner: Eric Charles Wai

Atty. Docket No. 42P18131
TC/A.U.:2195

communicate as though they were connected on the same physical LAN. Thus, a virtual

LAN does not even suggest a direct memory access buffer, especially since the direct

memory access buffer resides within a single device. Accordingly, Applicant requests

that the Examiner withdraw the rejection of independent Claim 41.

Applicant further submits that dependent Claims 42-47 are allowable, at least in

part, because they depend from allowable independent Claim 41, and because of their

additional limitations. Therefore, Applicant requests that the Examiner withdraw the

rejection of dependent Claims 42-47.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, Claims 1-29 and 31-61 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: <u>December 7, 2007</u>   <u>/Donna Jo Coningsby/</u>
                                        Donna Jo Coningsby
                                        Reg. No. 41,684
                                        Attorney for Applicant(s)

                                        1279 Oakmead Parkway
                                        Sunnyvale, CA 94085-4040
                                        (503) 439-8778